

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re WHITE.

Case No. [22-cv-01489-HSG](#)

**ORDER OF DISMISSAL**

On March 9, 2022, the Court docketed a letter received from Bryan K. White, who is currently housed at Mule Creek State Prison. Dkt. No. 1. Because Plaintiff sought relief from this Court, the Court construed this letter as an attempt to open a civil rights action pursuant to 42 U.S.C. § 1983. The Court opened an action pursuant to this letter. That same day, the Court sent Plaintiff deficiency notices, instructing Plaintiff that he was required to file his complaint on a complaint by prisoner form and to either pay the filing fee or file an application for leave to proceed *in forma pauperis*. Dkt. Nos. 2, 3. The Court sent Plaintiff a copy of a complaint form and a notice that his case had been assigned to a magistrate judge. Dkt. Nos. 2, 4. On March 11, 2022, the Court corrected Plaintiff's CDCR number in the docket and resent Dkt. Nos. 2, 3, 4 to Plaintiff, using the correct CDCR number. On March 21, 2022, the notices sent on March 9, 2022 were returned to the Court as undeliverable with the notation that the mailing had gone unclaimed. Dkt. No. 5. On April 12, 2022, the notices sent on March 11, 2022 were returned to the Court as undeliverable with the notation that the address was insufficient and the prison was unable to forward the mailing. Dkt. No. 6. On April 14, 2022, the Court resent Dkt. Nos. 2, 3, 4 to Plaintiff.


Over two months have passed since Plaintiff filed this action. A month has passed since the Court attempted for the third time to send the initial case opening documents (Dkt. Nos. 2, 3,

1 4) to Plaintiff. The Court has either been unable to reach Plaintiff or, if the April 14, 2022 mailing  
2 reached Plaintiff, Plaintiff has not responded to the Court.

3 This action cannot proceed without a complaint on the proper form and either the filing fee  
4 or an application to proceed *in forma pauperis*. Accordingly, this action is DISMISSED for  
5 failure to file the complaint on the proper form and for failure to either pay the filing fee or file an  
6 application to proceed *in forma pauperis*. The dismissal is without prejudice to Plaintiff filing a  
7 motion to reopen the action. Any motion to reopen must be accompanied by a complaint on the  
8 proper form and either the filing fee or an application to proceed *in forma pauperis*. The Clerk  
9 shall enter judgment in favor against Plaintiff and close the case.

10 **IT IS SO ORDERED.**

11 Dated: May 18, 2022

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13 HAYWOOD S. GILLIAM, JR.  
14 United States District Judge  
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